

24



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,902	03/09/2000	Steven Blumenau	07072-922001	2829

26161 7590 07/03/2003

FISH & RICHARDSON PC
 225 FRANKLIN ST
 BOSTON, MA 02110

EXAMINER

RONES, CHARLES

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 07/03/2003

173

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,902

Applicant(s)

BLUMENAU ET AL.

Examiner

Charles L. Rones

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Amendment

The request for continued examination timely filed on June 20, 2003 has been entered. As a result, the response filed on August 20, 2002 has now been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumenau et al. U.S. Patent No. 6,295,575.

Blumenau discloses:

As to claim 1,

at least one storage device partitioned into a plurality of volumes for storing data;

See ; Figs. 1 and 5; 5:20-35; 7:50-67;

a first database including first configuration data for identifying which of a plurality of hosts coupled to the data storage have authorized access to each of the plurality of volumes of the at least one storage device; See 2:18-67; 29:35-65;

a backup system having at least one backup storage device for storing at least a portion of data stored on the storage device; See 11:20-65; 18:18-39; and

a second database including second configuration data for identifying which of the plurality of hosts coupled to the data storage have access to the at least one backup storage device; See 10:21-55; 18:5-40.

As to claim 2,

wherein the at least one storage device, the first database, and the second database are part of an enterprise data storage system; See Figs. 1 and 7; 29:55-67.

As to claim 3,

a first adapter, responsive to the first configuration data, which selectively forwards to the at least one storage device, requests from the plurality of hosts, for access to the plurality of volumes; See 5:50-67; 6:1-67; 14:5-15; 15:20-30; 18:5-50.

As to claim 4,

comprising a second adapter, responsive to the second configurations data, which selectively forwards to the backup system, requests from the plurality of hosts, for access to the at least one backup storage device; See 11:20-65; 18:18-39.

As to claim 5,

wherein the first configuration data is stored in a configuration table including a plurality of records, each of the records having an identifier and information indicating which of the volumes are available to a host associated with the corresponding identifier, and wherein the request includes a source identifier identifying the host that initiated the request and an address to one of the plurality of volumes in the storage system; See Fig. 8; 11:50-67; 15:50-67; 29:35-67.

As to claim 6,

wherein the hosts are coupled to the data storage by a Fibre Channel network, a request for access by one of the plurality of hosts being in a Fibre Channel protocol; See 20:45-67; 21:8-66.

Art Unit: 2175

As to claim 7,

wherein the at least one backup storage device operates under a SCSI protocol;

See 30:5-12; 8:1-13; 31:20-39.

As to claim 8,

wherein the at least one backup storage device is a tape storage drive; See 5:22-

34; 7:20-30.

As to claim 9,

receiving, by the data storage, a request from at least one of the hosts for access to data stored on the backup system; See 5:22-34; 7:20-30 and

determining, in response to second configuration data from a second database, that the host requesting access is authorized to access the portion of data stored on the backup system; See 5:22-34; 7:20-30.

As to claim 10,

wherein the backup system includes a plurality of backup storage devices and the configuration data is stored in a configuration table including a plurality of records, each of the records having an identifier and information indicating which of the backup storage devices are available to a host associated with the corresponding identifier, and wherein the request includes a source identifier identifying the host that initiated the

Art Unit: 2175

request and an address to one of the backup storage devices; See Fig. 8; 11:50-67; 15:50-67; 29:35-67; and

determining whether to service the request responsive to a portion of the configuration data associated with the source identifier and the address of the one of the backup storage devices; See Fig. 8; 11:50-67; 15:50-67; 29:35-67.

As to claim 11,

wherein the hosts, data storage and backup system are coupled by a Fibre Channel network, the method further including forwarding the request using a Fibre Channel protocol for access to a portion of data stored on the backup system over the Fibre Channel network; See 20:45-67; 21:8-66.

As to claim 12,

wherein the backup system operates under a SCSI protocol; See 8:1-13; 30:5-12; 31:20-39.

As to claim 13,

wherein the backup system is tape storage unit and the backup storage devices are tape libraries; See 5:22-34; 7:20-30.

Response to Arguments

Applicant's arguments filed August 20, 2002 have been fully considered but they are not persuasive.

Firstly, Applicant argues that Blumenau does not disclose a first and second databases having a first and second configuration data identifying which hosts have access to a backup storage device and that dependent claims are further patentable for the same reason.

In response, Examiner maintains that Blumenau discloses such wherein the configuration database contains configuration information deemed to be on different volumes therefore having different databases of configuration information and provides configuration information about backup devices wherein backup device are accessed through a logical volume like the other storage devices. See 18:34-39; 29:36-67; 30:34-67; 31:1-33.

Secondly, Applicant argues that Blumenau does not disclose a method for managing access between hosts and a backup system that is part of a data storage including at least one data storage as stated in amended claim 9.

In response, Examiner maintains that Blumenau discloses such under similar reasoning as stated above in first response.

Conclusion

This is a Request for Reconsideration of applicant's earlier Application No. 09/521,902. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers

Art Unit: 2175

for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.



Charles L. Rones
Primary Examiner
Art Unit 2175

July 2, 2003